

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF ALAN V.)	APPEAL NOS. 06-A-2085
PETERSON from the decision of the Board of)	AND 06-A-2086
Equalization of Boise County for tax year 2006.)	FINAL DECISION
)	AND ORDER

RESIDENTIAL LAND APPEAL

THESE MATTERS came on for hearing January 23, 2007, in Idaho City, Idaho, before Hearing Officer Steve Wallace. Board Members Lyle R. Cobbs and David E. Kinghorn participated in this decision. Appellant Alan Peterson appeared for himself. Assessor Brent Adamson and Appraiser Jason Rowe appeared for Respondent Boise County. These appeals are taken from a decision of the Boise County Board of Equalization (BOE) denying the protest of the valuation for taxing purposes of property described as Parcel Nos. RP038020050030A and RP038020050040A.

The issue on appeal is the market value of residential property.

The decision of the Boise County Board of Equalization is modified.

FINDINGS OF FACT

Parcel RP038020050030A

The assessed land value is \$46,700, and the improvements' valuation is \$10,220, totaling \$56,920. Appellant requests the land value be reduced to \$32,000, and the improvements' value be reduced to \$5,000, totaling \$37,000

Parcel RP038020050040A

The assessed land value is \$46,700. Appellant requests the land value be reduced to \$27,000.

The subject property is two adjacent river front lots, one .35 acres and the other .38 acres

in size. The 0.35 acre lot has a partially completed garage while the other lot is bare. Subject is located in the Lowman area adjacent to Highway 21 in Boise County.

Appellant claimed the sales used by Respondent are poor comparisons, primarily because they all have sewer, water, and electricity onsite. Subject does not have those amenities. Appellant provided information regarding what it would cost to add sewer, water, and electricity to subject and argued the assessment of subject should be reduced by those costs. The estimated cost to add the improvements was shown to be approximately \$17,000.

To support the reduction claim, Appellant referenced a July 2006 sale of a property similar in size to subject, which sold for \$17,500.

Appellant also questioned the assessment of the garage. The garage was assessed at full value, however, Appellant contends the structure is approximately 50% complete and should be assessed accordingly.

The County provided three sales to support the assessment of subject. The sales were improved river front properties with septic, water, and electricity. The sales took place from 2002 through 2005 and ranged in size from .310 acres to .630 acres. The average sale price was \$46,667. Both parties noted sales in the Lowman area are limited, making it difficult to find comparable sales.

Respondent stated that in 2006 septic systems assessed for \$2,000 and wells for \$3,000, and conceded that the amenities should be considered in assessing subject. Respondent asserted the assessed value of improvements is not necessarily the same as the cost of installing the lot amenities. The County also stated that no value was assessed for electricity.

Respondent further argued the July 2006 sale offered by Appellant was not applicable because it falls outside the date range used for determining 2006 assessments.

The hearing record was left open for two weeks to give Respondent an opportunity to re-assess the garage. According to the Assessor, the garage is approximately 75% complete. A “lean-to” attached to the structure that was not included in the original assessment was also noted. The Assessor estimated a value of \$1,050 on the attachment and an assessment of \$9,320 for the entire garage structure.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

As per Idaho Code § 63-208, each assessor is required to find market value for assessment purposes. Idaho Code § 63-201(10) provides:

“Market value” means the amount of United States dollars or equivalent for which in all probability, a property would exchange hands between a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

Appellant argued subject property is not similar to the sales provided by Respondent because subject does not have a septic system or well. Appellant sought to use a July 2006 sale to support an assessment of \$17,500 for subject land.

Appellant also asserted the garage was incomplete and therefore should not have been assessed at full value.

Respondent indicated the limited number of sales in the area made it difficult to find properties similar to subject and the three sales provided were the best evidence available to

compare to subject land.

Evidence submitted by Respondent after the hearing indicated that the garage was not complete. Respondent also found a “lean-to” attached to the garage that was not previously assessed.

The sale offered by Appellant falls outside the time period used in determining 2006 assessments. The assessment date for the 2006 tax year is January 1, 2006.

The Board finds the lack of land amenities (septic system and well) on subject should have been reflected in the assessment. The 2006 assessed value for a septic system is \$2000 and \$3000 for a well. As such, the subject land assessment should be reduced accordingly. Therefore, the decisions of the Boise County Board of Equalization will be modified to reflect a land value of \$41,700 for each parcel.

According to documents submitted by Respondent after the hearing, the garage was 75% complete. In light of this evidence, the Board has determined the assessed value of the garage should be reduced to \$8,270. Because the “lean-to” was not included in the original assessment of the structure, it should be factored in the revised assessment. The Board finds Respondent’s \$1,050 assessment of the “lean-to” reasonable, resulting in an overall assessment of \$9,320 for the garage structure. The decision of the Boise County Board of Equalization will be so modified.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Boise County Board of Equalization concerning the subject parcel be, and the same hereby is, modified to reflect a reduction in lot value to \$41,700 for each parcel and a reduction in value of improvements to \$9,320.

IT IS FURTHER ORDERED that any taxes which have been paid in excess of those determined to have been due be refunded or applied against other *ad valorem* taxes due from Appellant.

DATED this 8th day of March , 2007.